



**Consumer Electronics Association**

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August 2, 2005

**Via Electronic Filing**

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

Re: CS Docket No. 02-52; GN Docket No. 00-185; CC Docket Nos. 02-33,  
95-20 & 98-10  
Notice of *Ex Parte* Submission

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Dear Ms. Dortch:

On August 1, 2005, the following representatives meet with the individuals below on the above caption proceeding.

The following individuals meet with Commissioner Kathleen Abernathy and Russ Hanser, Legal Advisor to Commissioner Abernathy: Paula Boyd of Microsoft Corporation, Harold Feld of Media Access Project, Chris Murray of Vonage, Frank Cavaliere of Vonage, Kerry Murray of Dell and Gerry Waldron of Covington and Burling.

The following individuals meet with Michelle Carey, Legal Advisor to Chairman Martin and Scott Bergmann, Legal Advisor to Commissioner Adelstein: Paula Boyd of Microsoft Corporation, Andrew Jay Schwartzman of Media Access Project, Kenneth DeGraff of Consumers Union, Mark Cooper of Consumer Federation of America, Chris Murray of Vonage, Frank Cavaliere of Vonage and the undersigned.

During the meeting, we urged the Commission to endorse enforceable protections for "net neutrality" or connectivity principles as it considers the classification of wireline broadband to be a Title I regulated service. These principles include the ability of consumers to reach their choice of lawful Internet content, applications, and services and to attach any nonharmful device to the network absent interference from or impairment by network operators.

We explained the need for enforceable "net neutrality" provision because network operators have the opportunity, incentive and ability to violate these net neutrality principles. We emphasized that several examples of active blocking or impairing of Internet service

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from around the country and from around the world demonstrated that this is more than a theoretical concern. We also explained the need for the Commission to enable consumers or companies experiencing discriminatory treatment to have their concerns promptly reviewed and resolved. Finally, we discussed the Commission's clear authority to adopt rules and policies on net neutrality under its Title I jurisdiction, as the recent Supreme Court decision in *Brand X* recognized.

This letter is being provided to your office in accordance with Section 1.1206 of the Federal Communications Commission rules. A copy of this letter has been delivered by e-mail to the meeting participants.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Veronica O'Connell".

Veronica O'Connell  
Senior Director, Government Affairs

cc: Ms. Michelle Carey  
Mr. Scott Bergmann  
Mr. Russ Hanser